

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICK LAVIS PAGE, JR.,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C12-5862BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 13. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**; and

(2) Defendant’s motion to dismiss is granted. Plaintiff has failed to exhaust his administrative remedies. Pursuant to controlling Ninth Circuit authority the dismissal is without prejudice. *Wyatt v. Terhune*, 315 F.3d 1108, 1119-20 (9th Cir. 2003).

Dated this 28<sup>th</sup> day of January, 2013.



BENJAMIN H. SETTLE  
United States District Judge